IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL MISCELLANEOUS APPLICATION NO.14 OF 2007
IN
CRIMINAL APPLICATION NO.4499 OF 2006

M/s. Bombay Gas Company Limited ...Applicant.
V/s.
Smt.Lalita Jalan & Anr. ...Respondents.

Shri K.G.Menon with Mr.S.Garod, Sr.advs. i/b
M/s.Khaitan & Jayakar for the Applicant.
Mr. Prakash Naik, adv.for the Respondents.
Mrs.M.M.Deshmukh, APP for the Respondent no.3/State.

CORAM: J.H.BHATIA, J.
DATE : 25th January, 2007.

P.C.:

1. Heard the learned counsel for the parties.

2. Application No.14 of 2007 is filed by the original complainant seeking certain directions to the trial Court for recording statements under Section 313 of the Cr.P.C. of accused nos.2 and 3 and for disposal within specified period.

3. Criminal Application No.4499 of 2006 is filed on behalf of the original accused nos.2 and 3 challenging the order passed by the learned Magistrate directing them to remain present before the Court for recording of their statements under Section 313 of the Cr.P.C. and reversing the earlier order whereby the

attendance of accused nos.2 and 3 was dispensed with and even recording of the statements under Section 313 of the Cr.P.C. was dispensed with.

4. It appears that the complainant, Bombay Gas Company Limited has filed a complaint under Section 630 of the Companies Act, 1956 in 1994 and from time to time, the matter has shuttled between the Courts of Metropolitan Magistrate and High Court and then to Supreme Court and somehow in spite of lapse of about 13 years, the trial has not come to an end. It will be in the interest of justice that the trial should be completed and the matter should be disposed off at the earliest. After some discussion at bar, the learned counsel for both the parties conceded that respondent nos.2 and 3 shall remain present before the learned trial Court on 5th February, 2007 and on the same day, the learned Magistrate shall record statements of the accused under Section 313 of the Cr.P.C. Thereafter, the learned Metropolitan Magistrate shall give reasonable opportunity to the accused persons to give defence. In any case, the case shall be finally disposed off till the end of April, 2007.

5. In view of consent of both the parties, it is not necessary to enter into the merits of the case.

Accused persons, particularly, accused nos.2 and 3 shall remain present before the Trial Court on 5th February, 2007 and on that date, their statements under Section 313 of the Cr.P.C. shall be recorded. In view of assurance given by their counsel that they shall remain present before the Magistrate , warrants issued shall be cancelled. After the statements of the accused persons are recorded, the learned Magistrate shall give reasonable time to the accused persons to lead the defence evidence. Defence evidence shall proceed day to day and in any case, the trial shall be concluded and Criminal Case No.73/SS/2005 shall be disposed off before the end of April, 2007.

6. At this stage, the learned counsel informs that already certain defence witnesses are summoned for 2nd February, 2007. The learned Magistrate may proceed with recording evidence of such witnesses on 2nd February, 2007.

7. In the result, both the applications stand disposed off with the aforesaid directions.

(J.H.Bhatia,J.)